

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JEFFREY O'QUINN,

Plaintiff,

V.

DAVE RUEBHAUSEN, et al.,

Defendants.

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Civil No. **05-746-DRH**

ORDER

PROUD, Magistrate Judge:

Before the Court is defendant Ruebhausen's motion for a more definite statement, pursuant to Federal Rule of Civil Procedure 12(e). (**Doc. 15**). Plaintiff has not responded.

If a pleading is so "vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading," the Court may require a more definite statement to be filed, pursuant to Federal Rule of Civil Procedure 12(e). Although the complaint has passed through the Court's threshold review, a review of the complaint reveals that it does lack sufficient detail. More specifically: (1) reference dates are missing from paragraphs 3, 4 and 13; (2) paragraph 4 fails to specify who allegedly pulled a gun on plaintiff; and (3) paragraph 13 pertains to a search for a gun, but does not indicate the location of the search. Plaintiff must provide defendant with these details to enable defendant to form a responsive pleading.

Defendant's arguments attacking the legal viability of some of plaintiff's claims must be addressed in a separate dispositive motion. *See* Local Rule 7.1.

IT IS THEREFORE ORDERED that defendant Ruebhausen's motion for a more definite statement (**Doc. 15**) is **GRANTED IN PART AND DENIED IN PART**. On or before

May 26, 2006, plaintiff O’Quinn shall file a “More Definite Statement” clearly providing the details enumerated above, as requested in the motion for a more definite statement (**Doc. 15**).

Failure to comply with this order may result in plaintiff’s complaint being stricken— meaning that plaintiff’s case would be dismissed.

IT IS SO ORDERED.

DATED: May 10, 2006

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE